

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ANASTASIOS [TOMMY]
KALOMIRIS,**

Plaintiff

V.

**THE MONROE COUNTY
SYNDICATE, ELMER D.
CHRISTINE, JR., DEBBY YORK,
JENNIFER FORD, JENNA
FIORENTINO, JODI HAZEN,
CHARLES HAZEN, KERRY KNAPP,
JACKIE WENTZEL, ROBERT CUVO
JR., KARRI DODSON, MICHAEL R.
MUTH, MARK MATTHEWS,
WILLIAM KOEHLER, ROBERT
LAUDENSLAGER, RICHARD H.
SALTER, III, MARTHA MILLER,
JOSEPH MILLER, JEFF KNITTER,
ROBIN CONSTENBADEN, LINDA
WALLACH MILLER, CHRISTOPHER
J. O'DONNELL, and GEORGE
WARDEN**

Defendants

CIVIL ACTION NO. 1:08-CV-0539

(Judge Conner)

ORDER

AND NOW, this 5th day of June, 2009, upon consideration of the report of the magistrate judge (Doc. 62), to which no objections were filed, recommending that the claims against defendants Charles and Jodi Hazen be dismissed, and that the claims against defendants Debby York, Michael R. Muth, Linda Wallach Miller, Elmer D. Christine, Jr., Mark Matthews, and Christopher J. O'Donnell (hereinafter collectively "the judicial defendants") likewise be dismissed, and following an independent review of the record, it appearing that the plaintiff has failed to serve

defendants Charles and Jodi Hazen in a manner consistent with Rule 4 of the Federal Rules of Civil Procedure, that the court instructed plaintiff to show good cause on or before April 30, 2009 why the claims against them should not be dismissed, and that, as of the date of this order, he has failed to either show cause or to serve the defendants properly, see FED. R. CIV. P. 4(m),¹ and it further appearing that the claims against the judicial defendants were previously dismissed without leave to amend, and that the law of the case doctrine precludes plaintiff from relitigating previously decided issues in subsequent stages of the same case, In re Cont'l Airlines, Inc., 279 F.3d 226, 232 (3d Cir. 2002), it is hereby ORDERED that:

1. The report and recommendation of the magistrate judge (Doc. 62) is ADOPTED.
2. The claims against defendants Charles Hazen and Jodi Hazen are DISMISSED. See FED. R. CIV. P. 4(M)
3. The claims against the judicial defendants are likewise DISMISSED. See In re Cont'l Airlines, Inc. 279 F.3d at 232.
4. The above-captioned case is REMANDED to the magistrate judge for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹Federal Rule of Civil Procedure 4(m) states:

If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period. . . .